

Senate File 435 - Introduced

SENATE FILE _____
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 255)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the entry upon land by a surveyor for land
2 survey purposes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2310SV 83
5 jr/sc/14

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1 1 Section 1. NEW SECTION. 354.4A ENTRY UPON LAND FOR
1 2 SURVEY PURPOSES.
1 3 1. a. A land surveyor may enter public or private land or
1 4 water in the state only to occupy, locate, relocate, install,
1 5 or replace survey monuments, to locate boundaries,
1 6 rights-of-way, and easements, to determine geodetic positions,
1 7 and to make surveys and maps and may carry with them their
1 8 customary equipment and vehicles. Entry under the right
1 9 granted in this section shall not constitute trespass, and
1 10 land surveyors shall not be liable to arrest or a civil action
1 11 by reason of the entry.
1 12 b. For purposes of this section, "land surveyor" means a
1 13 land surveyor licensed pursuant to chapter 542B or a person
1 14 under the direct supervision of a licensed land surveyor.
1 15 2. A vehicle used for or during entry pursuant to this
1 16 section shall be identified on the exterior by a legible sign
1 17 listing the name, address, and telephone number of the land
1 18 surveyor or the firm employing the land surveyor.
1 19 3. To the extent practicable, land surveyors shall
1 20 announce and identify themselves and their intentions before
1 21 entering upon private property. This notice is not required
1 22 for a survey along previously surveyed boundaries within a
1 23 platted subdivision accepted or recorded by the federal
1 24 government or approved and recorded under chapters 354 and 355
1 25 or preceding land surveying laws of this state.
1 26 4. This section shall not be construed as giving authority
1 27 to land surveyors to destroy, injure, or damage anything on
1 28 the lands of another without the written permission of the
1 29 landowner, and this section shall not be construed as removing
1 30 civil liability for such destruction, injury, or damage.
1 31 5. A land surveyor who enters on private land must comply
1 32 with all biosecurity and restricted-access protocols
1 33 established by the owner or occupant of the private land.
1 34 A landowner or occupant shall owe the same duty to a land
1 35 surveyor entering land without the consent of the landowner or
2 1 occupant as the landowner or occupant would owe to a
2 2 trespasser on that land.

EXPLANATION

2 4 This bill creates a right of entry for a licensed land
2 5 surveyor or a person under the direct supervision of a
2 6 licensed land surveyor, hereinafter referred to as surveyors.
2 7 The bill provides that a surveyor may enter public or
2 8 private land or water in order to occupy, locate, relocate,
2 9 install, or replace survey monuments, to locate boundaries,
2 10 rights-of-way, and easements, to determine geodetic positions,
2 11 and to make surveys and maps. To the extent practicable,
2 12 surveyors are required to announce and identify themselves and
2 13 their intentions before entering upon private property.
2 14 Surveyors who enter on private land must comply with all
2 15 biosecurity and restricted-access protocols established by the
2 16 owner or occupant of the private land.
2 17 The bill provides that the right of entry does not

2 18 authorize surveyors to destroy, injure, or damage anything on
2 19 the lands of another and does not remove civil liability for
2 20 destruction, injury, or damage. The bill also provides that
2 21 the owner or occupant of the land is not liable for any injury
2 22 or damage sustained by any person entering upon the owner's
2 23 land under the provisions of this section, unless the damage
2 24 or injury is caused by the willful or malicious conduct of the
2 25 owner or occupant. The bill provides that a landowner or
2 26 occupant owes the same duty to a land surveyor entering land
2 27 without the consent of the landowner or occupant as the
2 28 landowner or occupant would owe to a trespasser on that land.
2 29 LSB 2310SV 83
2 30 jr/sc/14